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EXPEDITED PROCEDURE
AMENDMENT AFTER FINAL
GROUP ART UNIT 1625
Patent Application 10/714,735
Attorney Docket No. PC23270A

REMARKS

Claims 1, 3, and 5-17 were pending in the application. Claims 1, 3, 7, and 9 have been currently amended. Claims 6, 8, 10, 12 and 13 have been cancelled herein. Claim 7 and 9 have been amended solely to correct their dependency due to claim cancellation. The now pending claims in the application in accord with 37 CFR 1.121, as revised, are set forth above.

No new matter has been introduced by virtue of the amendments made herein. Accordingly, applicants respectfully request their entry. In view of the amendments made herein and the remarks below, applicants respectfully request reconsideration and withdrawal of the rejection set forth in the November 1, 2006 office action.

Rejection under 35 USC §102(b)

The Examiner has maintained the rejection of claims 1, 3, 6-9, 11-13 and 15-17 under 35 USC §102(b) as being allegedly anticipated by Singer (US2003/0060624A).

In response, in order to expedite the prosecution of the application, applicants have herein amended claims 1 and 3 to incorporate specific elements recited in dependent claims 5, 6, 8, 10, 12 and 13. Applicants respectfully note that the claims as currently amended recite limitations which are not disclosed in Singer. Specifically, Singer does not disclose the use of sodium t-butoxide as the base in claim 1, or an inert water miscible solvent in claim 3 selected from the group consisting of tetrahydrofuran, 2-methyltetrahydrofuran, and 1,2-dimethoxy ethane or the removal of solvent upon completion of the recited reaction by distillation. With respect to claims 6, 8, 12 and 13, the rejection is moot in view of their cancellation herein.

Accordingly, applicants respectfully submit that claims 1, 3, 7, 9, 11 and 15-17 are differentiated from the cited reference and, therefore, patentable under 35 USC §102(b). Applicants respectfully request withdrawal of the rejection.

Rejection under 35 USC § 103(a)

The Examiner has also maintained the rejection of claims 1, 3 and 5-17 under 35 USC § 103(a) as being allegedly obvious over Singer for the reasons of record.

In response, as noted above, in order to expedite prosecution, applicants have herein amended claims 1 and 3 to incorporate specific elements recited in dependent claims 5, 6, 8, 10, 12 and 13, and thereby distinguish the present invention over the cited reference. Applicants respectfully maintain that the claims as currently amended recite limitations which are not disclosed or suggested by Singer, and in the absence of a specific teaching or motivation in the art, are unobvious. Moreover, applicants reiterate that one skilled in the art could not have been motivated to use ammonium hydroxide as it is used in the subsisting claims since this step does

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not exist, nor is it suggested in the prior art. Accordingly, since the processes referred to in the prior art differ from the presently claimed process, there could not be a finding of equivalence between ammonium hydroxide and sodium t-butoxide.

With regard to the distillation step, applicants reiterate that while the Examiner is correct that distillation is a common practice used to yield and isolate a product, nevertheless, this distillation step is surprisingly *essential* to assuring the stability and purity of the product. This could not have been predicted by one skilled in the art. Without this distillation step, the product degrades and forms impurities due to the presence of THF.

Applicants note further that the mention of ammonium hydroxide and sodium t-butoxide in the cited reference are merely *generic* disclosures. The present invention as set forth in the subsisting amended claims provides an improved process unknown in the art. In the absence of extensive experimentation, the worker of ordinary skill in the art would be unable to arrive at the present of process step limitations, including the use of a specific base and the removal of solvent by distillation.

Applicants submit that even if a *prima facie* basis for a holding of obviousness were indeed presented, the presently claimed process is unexpectedly and surprisingly superior to the prior art process. As previously noted in their prior amendment, the *currently claimed improved process produces significantly higher yields (96% yield versus 80% in the prior art) and the product is a solid, instead of a gum*. The prior art process is clearly not useful in an industrial manufacturing setting, whereas the present invention has clear commercial potential, and is thereby distinguished over the prior art.

Accordingly, applicants respectfully submit that the presently claimed process, incorporating the specific use of ammonium hydroxide and the distillation step, both of which together contribute to significant improvements with respect to purity and yield, is non-obvious over the prior art.

With respect to claims 5, 6, 8, 12 and 13, the rejection is moot in view of their cancellation herein.

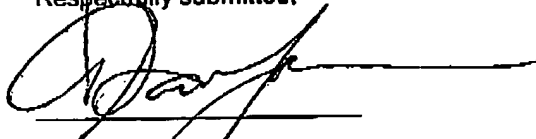
In view of the remarks above, applicants submit that claims 1, 3, 7, 9, 11, and 14-17 are patentable under 35 USC § 103(a). Accordingly, applicants respectfully request withdrawal of the rejection.

In view of the remarks above and the amendments submitted herein, applicants respectfully submit that the pending claims are fully allowable, and solicit the issuance of a notice to such effect. If a telephone interview is deemed to be helpful to expedite the prosecution of the subject application, the Examiner is invited to contact applicants' undersigned attorney at the telephone number provided.

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The Commissioner is hereby authorized to charge any fees required under 37 C.F.R.
§§1.16 and 1.17 or to credit any overpayment to Deposit Account No. 16-1445.

Respectfully submitted,



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